

Message Text

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ACTION IO-11

INFO OCT-01 ARA-10 EUR-12 ISO-00 CIAE-00 DODE-00 PM-04

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AMEMBASSY LONDON

UNCLAS SECTION 1 OF 2 USUN 0726

E.O. 11652: N/A

TAGS: PFOR, UN, AR, UK, FA

SUBJ: FALKLAND ISLANDS -- SHACKLETON INCIDENT

UN SECRETARIAT HAS CIRCULATED AS DOCUMENT A/31/55 LETTER DATED 23 FEBRUARY FROM PERMREP OF ARGENTINA TO SYG REGARDING SHACKLETON INCIDENT IN FALKLAND ISLANDS. ATTACHED WERE TWO ANNEXES CONTAINING 25 MARCH 1975 LETTER FROM ARGENTINE PERMREP TO SYG AND 4 FEBRUARY 1976 NOTE VERBALE FROM ARGENTINE FOREIGN MINISTRY TO BRITISH EMBASSY. TEXT OF LETTER AND TWO ANNEXES FOLLOW:

QUOTE:

A/31/55

IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

LETTER DATED 23 FEBRUARY 1976 FROM THE PERMANENT REPRESENTATIVE OF ARGENTINA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

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I HAVE THE HONOUR, ON THE INSTRUCTIONS OF MY GOVERNMENT, TO REPORT TO YOU ABOUT THE SERIOUS VIOLATION OF THE LEGISLATION CONCERNING ARGENTINE MARITIME JURISDICTION COMMITTEE BY THE UNITED KINGDOM VESSEL SHACKLETON IN CONSEQUENCE OF THE SCIENTIFIC - GEOPHYSICAL AND GEOLOGICAL - RESEARCH ACTIVITIES UNDERTAKEN BY THAT VESSEL ON THE ARGENTINE CONTINENTAL SHELF. THAT RESEARCH WAS CLEARLY DIRECTED TOWARDS GEOLOGICAL SURVEYING, WITH A VIEW TO THE EXPLOITATION OF HYDROCARBONS, IF FOUND.

THE EVENT IS PARTICULARLY SERIOUS IN VIEW OF THE FACT THAT ON 14 NOVEMBER 1975 THE UNITED KINGDOM GOVERNMENT WAS NOTIFIED THAT IT MUST COMPLY WITH THE PROVISIONS OF ARGENTINE LEGISLATION CONCERNING SCIENTIFIC RESEARCH IN MARITIME AREAS UNDER ARGENTINE JURISDICTION.

THE POSITION OF THE ARGENTINE GOVERNMENT IS THAT STATED IN ITS PRESS RELEASE OF 19 MARCH 1975, WHICH WAS DISTRIBUTED AS A DOCUMENT OF THE GENERAL ASSEMBLY OF 28 MARCH 1975 (A/AC.109/482) AND IS REPRODUCED AS AN ANNEX TO THIS LETTER (ANNEX I).

BY VIRTUE OF THE ABOVE, AN INSTRUCTION WAS GIVEN FOR THE VESSEL SHACKLETON TO BE INTERCEPTED FOR THE PURPOSE OF INSPECTING THE VESSEL. ON 4 FEBRUARY THE ARGENTINE NAVAL DESTROYER ALMIRANTE STORNI APPROACHED THE SHACKLETON AND TOLD IT TO STOP ITS ENGINES AND TO PERMIT BOARDING FOR INSPECTION, AS IN CUSTOMARY IN THESE CASES. THE CAPTAIN OF THE UNITED KINGDOM SHIP CONTINUED HIS COURSE, DISREGARDING THE INSTRUCTION AND THUS ENDANGERING THE LIVES OF THE CREW AND THE SAFETY OF THE SHIP. IN ACCORDANCE WITH EXISTING RULES, WARNING SHOTS WERE FIRED FROM SMALL ARMS, BUT, IN THE KNOWLEDGE THAT THE UNITED KINGDOM VESSEL WAS CARRYING EXPLOSIVES AND IN ORDER TO EXERCISE MAXIMUM PRUDENCE, THE COMMANDER OF THE ARGENTINE VESSEL WAS INSTRUCTED NOT TO USE FORCE, AS WOULD HAVE BEEN APPROPRIATE IN THE CIRCUMSTANCES.

THE RECKLESS AND PROVOCATIVE ATTITUDE OF THE BRITISH CAPTAIN IS CLEARLY INDICATIVE OF THE INTENTION TO CONCEAL
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THE ACTIVITIES IN WHICH THE SHACKLETON HAD BEEN ENGAGED.

IN VIEW OF THE FOREGOING, THE ARGENTINE GOVERNMENT THAT DAY, 4 FEBRUARY, MADE A VIGOROUS AND FORMAL PROTEST TO THE BRITISH GOVERNMENT, THE TEXT OF WHICH IS ANNEXED TO THIS LETTER (ANNEX II).

NOTE HAS BEEN TAKEN OF THE NOTE ADDRESSED TO YOU ON

THIS QUESTION BY THE GOVERNMENT OF THE UNITED KINGDOM (S/11972). IT IS STRIKING THAT THE UNITED KINGDOM SHOULD BE APPEALING TO A UNITED NATIONS ORGAN WHEN, AS IS KNOWN, IT IS REFUSING TO COMPLY WITH GENERAL ASSEMBLY RESOLUTIONS 2065 (XX) AND 3160 (XXVIII), WHICH URGE IT TO CONTINUE NEGOTIATIONS WITH THE ARGENTINE GOVERNMENT WITH A VIEW TO A FULL SETTLEMENT OF THE DISPUTE CONCERNING SOVEREIGNTY OVER THE MALVINAS ISLANDS, A QUESTION WHICH IS BEFORE THE GENERAL ASSEMBLY AND THE SPECIAL COMMITTEE OF 24. THIS ATTITUDE CONTRASTS WITH THAT OF MY COUNTRY, WHICH HAS ALWAYS AFFIRMED ITS RESOLVE TO CONTINUE THOSE NEGOTIATIONS.

I REQUEST YOU TO ARRANGE FOR THIS NOTE TO BE DISTRIBUTED AS AN OFFICIAL DOCUMENT OF THE GENERAL ASSEMBLY. 1/

1/ AN IDENTICAL LETTER OF 10 FEBRUARY 1976, ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL, WAS ISSUED AS DOCUMENT S/11973.

(SIGNED) CARLOS ORTIZ DE ROZAS
AMBASSADOR
PERMANENT REPRESENTATIVE

ANNEX I

LETTER DATED 25 MARCH 1975 FROM THE PERMANENT REPRESENTATIVE OF ARGENTINA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I HAVE THE HONOUR TO REQUEST YOU TO ARRANGE FOR THE FOLLOWING PRESS RELEASE ISSUED BY THE ARGENTINE GOVERNMENT ON 19 MARCH 1975 TO BE ISSUED AND CIRCULATED AS AN OFFICIAL UNCLASSIFIED

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DOCUMENT OF THE SPECIAL COMMITTEE OF 24:

"ACCORDING TO CABLED INFORMATION PUBLISHED IN THE PRESS, THE UNITED KINGDOM FOREIGN OFFICE HAS RECEIVED A SCIENTIFIC REPORT, PREPARED ON THE INSTRUCTIONS OF THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, CONCERNING THE POSSIBLE EXISTENCE OF PETROLEUM DEPOSITS UNDER THE ARGENTINE CONTINENTAL SHELF NEAR THE MALVINAS ISLANDS.

SINCE THE MALVINAS ISLANDS AND THE ABOVE-MENTIONED AREAS CONSTITUTE AN INTEGRAL PART OF THE NATIONAL TERRITORY, THE GOVERNMENT OF ARGENTINA WISHES TO STATE THAT IT DOES NOT AND WILL NOT RECOGNIZE THE RIGHT OF ANY FOREIGN GOVERNMENT TO EXPLORE FOR OR EXTRACT MINERALS OR HYDROCARBONS. CONSEQUENTLY, THE ARGENTINE GOVERNMENT

DOES NOT AND WILL NOT RECOGNIZE AND WILL DEEM IRREVOCABLY
NULL AND VOID ANY ACTIVITY OR MEASURE UNDERTAKEN,
OR ANY AGREEMENT CONCLUDED BY THE UNITED KINGDOM IN CONNEXION
WITH THIS QUESTION, WHICH THE ARGENTINE GOVERNMENT CONSIDERS
TO BE OF THE UTMOST GRAVITY AND IMPORTANCE.

FURTHERMORE, THE ARGENTINE GOVERNMENT WILL REGARD THE
CARRYING OUT OF ACTIVITIES OF THE KIND REFERRED TO ABOVE
TO BE CONTRARY TO UNITED NATIONS RESOLUTIONS AND CONSENSUS
ON THE MALVINAS ISLANDS, THE CLEAR PURPOSE OF WHICH IS TO
FIND A PEACEFUL SOLUTION TO THE SOVEREIGNTY DISPUTE BETWEEN
THE TWO COUNTRIES THROUGH BILATERAL NEGOTIATIONS.

THE ARGENTINE GOVERNMENT THEREFORE REAFFIRMS ONCE AGAIN
ITS INALIENABLE RIGHTS OF SOVEREIGNTY OVER THE MALVINAS
ISLANDS AND REITERATES THAT THE DISPUTE WITH THE UNITED
KINGDOM CAN BE SETTLED ONLY BY THE RESTORATION OF
THE ISLANDS TO THE NATIONAL HERITAGE OF THE ARGENTINE
REPUBLIC."

(SIGNED) CARLOS ORTIZ DE ROZAS
AMBASSADOR
PERMANENT REPRESENTATIVE

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ANNEX II

NOTE VERBALE DATED 4 FEBRUARY 1976 FROM THE MINISTRY
OF FOREIGN AFFAIRS AND WORSHIP ADDRESSED TO THE EMBASSY
OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

THE MINISTRY OF FOREIGN AFFAIRS AND WORSHIP PRESENTS ITS
COMPLIMENTS TO THE EMBASSY OF THE UNITED KINGDOM
OF GREAT BRITAIN AND NORTHER IRELAND AND HAS THE HONOUR
TO REFER TO THE ACTIVITIES OF THE BRITISH SHIP SHACKLETON
IN MARITIME AREAS UNDER THE JURISDICTION OF THE ARGENTINE
REPUBLIC. THE ARGENTINE GOVERNMENT IS AWARE OF THE FACT
THAT THE SAID SHIP HAS BEEN ENGAGED IN SCIENTIFIC RESEARCH
ACTIVITIES - GEOPHYSICAL AND GEOLOGICAL SURVEYS - ON
THE ARGENTINE CONTINENTAL SHELF, WITHOUT HAVING COMPLIED
WITH THE PRIOR REQUIREMENTS OF ARGENTINE LEGISLATION
ON THE MATTER, WHICH IS IN CONFORMITY WITH EXISTING INTERNATIONAL
LAW.

IN VIEW OF THESE ACTIVITIES AN ARGENTINE NAVAL VESSEL
TOLD IT TO STOP, WITH A VIEW TO EXERCISING THE RIGHT
TO INSPECT AND BOARD. THIS ORDER WAS DISREGARDED BY THE
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BRITISH VESSEL, WHICH THUS INCURRED ANOTHER VIOLATION
OF THE PERTINENT LAW.

DESPITE THE ATTITUDE OF THE CAPTAIN OF THE SHACKLETON,
THE MINISTRY OF FOREIGN AFFAIRS MUST STRESS THAT THE ARGENTINE
NAVAL VESSEL ABSTAINED FROM THE EXTREME EXERCISE
OF FORCE, IN ORDER TO PREVENT THE SITUATION FROM BECOMING
MORE SERIOUS AND ENDANGERING THE LIVES OF THE CREW OF
THE BRITISH SHIP AND THE SAFETY OF THE VESSEL.

THE SITUATION IS ALL THE MORE SERIOUS IN THAT THE MINISTRY
OF FOREIGN AFFAIRS AND WORSHIP HAD ALREADY REMINDED
THE EMBASSY, IN ITS NOTE OF 14 NOVEMBER 1975, THAT IF
THE PLANNED RESEARCH ACTIVITIES WERE TO BE CONDUCTED,
THE REQUIREMENTS OF ARGENTINE LAW MUST BE RESPECTED, WHICH
WAS NOT DONE.

IN VIEW OF THE FOREGOING, THE MINISTRY OF FOREIGN AFFAIRS
AND WORSHIP LODGES THE MOST FORMAL AND VIGOROUS PROTEST OF
THE ARGENTINE GOVERNMENT AND DEMANDS, WITHOUT PREJUDICE
TO THE CONTINUED EXERCISE OF THE RIGHTS ON WHICH IT IS
RELYING, THAT THE BRITISH GOVERNMENT TAKE MEASURES TO PUNISH
THOSE RESPONSIBLE AND TO PREVENT THE RECURRENCE OF SUCH ACTS.
UNQUOTE.
BENNETT

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